

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EARNEST HENDERSON, JANEL
GOTTA, AARON RAULS, MICHAEL
PEREZ, ARTURO PLEITEZ,

Plaintiffs

v.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
SHERIFF'S DEPARTMENT, SAN
FRANCISCO DEPARTMENT OF
PUBLIC HEALTH SERVICES, SHERIFF
MICHAEL HENNESSEY, DEPUTY
GLENN YOUNG, DEPUTY MIGUEL
PRADO, DEPUTY LARRY NAPATA,
AND DOES 1-11,

Defendants.

Case No.C05-0234 VRW/WAF

ORDER
(Henderson Trial)

Date Action Filed: Jan. 14, 2005
Trial Judge: William A. Fletcher
Trial Date: Sept. 24, 2007
New Trial Date: February 12, 2008

On October 16, 2007, the jury informed the court that it was unable to reach a unanimous verdict with respect to any of the defendants. The court determined

that the jury had hung and subsequently dismissed the jury.

Jury selection for the retrial of the Henderson case is now scheduled to begin at 1:00 pm on Tuesday, February 12, 2008. The court instructs counsel to consult with each other and to inform the court of their mutually agreed-upon date for the pretrial conference, which should take place sometime between January 22 and February 1, 2008.


The court reminds counsel of the following provisions for retrial, as discussed in the telephone conference of October 23, 2007:

- (1) The court will limit the plaintiff to providing evidence regarding no more than four prior episodes involving Deputy Prado.
- (2) The court will conduct the trial on the issues of liability and compensatory damages first. If the jury finds liability, then the court will allow the parties to present to the same jury evidence pertaining specifically to punitive damages.
- (3) The court will set a maximum time for trial for both sides, to be determined at a later date.

If the parties would like to participate in a settlement conference, they should contact Ms. De Martini for further arrangements.

IT IS SO ORDERED

Dated: October 29, 2007

By: 
The Honorable William A. Fletcher
United States Circuit Judge for the
Court of Appeals of the Ninth Circuit,
sitting by designation